

Pro Se 14 (Rev. 10/16) Complaint for Violation of Civil Rights (Prisoner)

"Amended Complaint"

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF ALABAMA

2021 AUG -4 P 1:05

Ronald Miguel Watson
Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

Michael Fergus Dyett, Jeremy S. Pelzer
James Smith, Lt. Jones, Officer Andrews

Case No.:
(to be filled in by the Clerk's Office)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

I. The Parties to this Complaint

A. The Plaintiff

Provide the information below for the plaintiff named in the complaint.

Name Ronald Miguel Watson
All other names by which
you have been known _____
ID Number 233803
Current Institution limestone Correctional Facility
Address Harvest Al. 35749
City State Zip Code

B. The Defendant

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Fergus-Dyett, Michael
Job or Title (*if known*) Officer I
Shield Number _____
Employer ADOC (limestone Correctional Facility)
Address Harvest Al. 35749
City State Zip Code
☐ Individual Capacity ☐ Official Capacity

Defendant No. 2

Name Jeremy S. Pelzer
Job or Title (*if known*) Sgt.
Shield Number _____
Employer ADOC (limestone Correctional Facility)
Address Harvest Al. 35749
City State Zip Code
☐ Individual Capacity ☐ Official Capacity

Defendant No. 3

Name James Smith
Job or Title (if known) "Warden Designee"
Shield Number _____
Employer ADOC (Limestone Correctional Facility)
Address Harvest Al. 35749
City State Zip Code
☐ Individual Capacity ☐ Official Capacity

Defendant No. 4

Name Lt. Jones
Job or Title (if known) Lt. Shift Supervisor
Shield Number _____
Employer ADOC (Limestone Correctional Facility)
Address Harvest Al. 35749
City State Zip Code
☐ Individual Capacity ☐ Official Capacity

continuation - see attached

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Excessive Force, Corruption, Fraud, Treason, Poor living Conditions
Unconstitutional Demands that violates the 8th and 14th
Amendments.

B. The Defendant (continuation)

Name Officer Andrews

Job or Title (if known) - Correctional Officer 1

Shield Number

Employer ADUC Correctional Officer

Address	<u>HArvest</u>	<u>Al.</u>	<u>35749</u>
	city	state	Zip Code

I don't know exactly what you're asking, and is being deprived the right to the law library or law books!!

11
Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial Detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (*explain*): _____

IV. State of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On Feb 25, 2021 officer Dyett violently attacked me while i was restrained in handcuffs on the tier of D dorm, after getting me off of the visitation video machine at approx. 7:15p.m. This assault led from off of the tier into my cell where the assault continued until the code for assistance was called from the cubicle and the other officers (continuation see attached)

cont. IV. State of Claim - Continuation Page 4 of 14

IV. State of Claim

arrived on the scene (my cell) to continue the assault. Officer Andrews, Lt. Jones, Sgt. Pelzer, and several other officers led me from my upstairs cell down the tier, down the stairs, into the D-dorm lobby - outside of D-dorm to the front entrance where Officer Andrews still had me by my right arm. He then asked Lt. Jones to "watch out Lt.". Lt. Jones stepped aside (releasing my left arm) then Officer Andrews pepper sprayed me for no apparent reason while I was "still" restrained in handcuffs! I was then slammed down to the ground facedown onto my stomach where Sgt. Pelzer continued to spray me again. After he sprayed me, he reached inside of his jacket, pulled a flashlight from his utility belt, retrieved a black handgun (a violation on the inside of a correctional facility grounds), turned the flashlight on, and asked me "do you see this boy?" I looked up at him and shook my head "yes". That's when Lt. Jones stated, "if you move I will grant him permission to blow your brains out!" Two other officers arrived to the code of officers need assistance late (Officer Green & Officer Charley), and they helped me off of the ground and escorted me to the HCU Healthcare Unit "against their superiors orders" to get decontaminated and a body chart. note: All of this was caught on video, and also I have pictures of my injuries from the assault that was taken the very next morning, because the body chart was forged, and pictures or video was not taken in the infirmary like the rules and regulations of ADCC require whenever force is used on an inmate or officer inside of any ADCC state facility.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Inside and outside of D-curm A & B side (limestone Correctional Facility) on February 25, 2021 At approx. 7:15 p.m.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

Feb. 25, 2021 at approximately 7:15 p.m.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Officer Dyett violently attacked me on the tier as well in my cell by punching and kicking me repeatedly. Officer Andrews
cont. see attached

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries in detail.

A busted upper lip, pepper spray to the face and upper torso, as well as bruises to the head (pictures available)

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'm requesting that I be compensated financial compensation for punitive damages resulting from the assault and excessive force from all of these officers and supervisors! I will make / agree to a settlement no lesser than \$100,000 if agreement could be reached for the assault and excessive use of force resulting in my injuries to the head and mouth. Also for the sensory deprivation, mental stress, ~~psy~~ psychological stress that I'm under because of this incident that's all caught on camera!

Cont. page 5 of 14

Cont. I V. State of Claim ~~IV~~. Injuries - D.

escorted me outside by my right arm accompanied by Lt. Jones holding my left arm. Officer Andrews and Lt. Jones took turns spraying me while i was "restrained to the fullest", while Sgt. Pelzer put a gun to my head. Everyone on the tier saw officer Dyett assault me on the tier, and the camera saw (caught) the assault inside of my cell, because a camera is directly in front of my cell on the cieling! Also, the tower cameras, as well as lobby cameras caught the assault (me being slammed to the ground and repeatedly spray^d afterwards and once before i was slammed to the ground by officer Andrews), because the lobby camera is directly in front of the lobby entrance door which catch all activity on the "yard" in front of the dorm, and the tower camera catch all activity on the yard(s) on the entire prison grounds. Therefore, these cameras would "clearly" show Sgt. Pelzer turning on the flashlight and putting the weapon (gun) to my head before these other two officers rescued me and escorted me to the HCU.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Limestone Correctional Facility

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Don't know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Don't know

If yes, which claim(s)?

Excessive force, etc.

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

Because they deny us the forms or us the right to interact with the law clerk when he make his weekly rounds to segregate
If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

It's impossible to be able to, because our rights be violated in segregation, because we don't have access behind these doors

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I informed Warden Streeter in person, as well as a request slip to "please review the tape before i went to disciplinary hearing"

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies:

As mentioned i spoke to and wrote Warden Streeter several times, but he always hide his hand and allow his designee Jame Smith to do his dirty work!!

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes

☒ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to "A" is "Yes," describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff(s)

Ronald Miguel Watson

Defendant(s)

Officer Albritton

2. Court (if federal court, name the district; if state court, name the county and State):

United States District Court Northern District of Alabama

3. Docket or index number:

Case: 5:21-cv-00186-KOB-JHE

4. Name of Judge assigned to your case:

5. Approximate date of filing lawsuit:

Feb. 2021

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition: _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Rule 11 of the Federal Rules of Civil Procedure, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an

improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Printed Name of Plaintiff:

Ronald Miguel Watson

Prison Identification Number:

233803

Prison Address:

Limestone Correctional Facility

28779 Nick Davis Rd.

Harvest

City

AL

State

35749

Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

6-12-21

Ronald Watson

Signature of Plaintiff

Case 5:21-cv-00483-ACA-JHE

✓ Ronald Watson 233803 is in segregation at limestone Correctional Facility! I answered these questions to the best of my ability! I didn't understand C & D II Basis for Jurisdiction on page 4 of 14 as well as what exactly Individual Capacity or Official Capacity mean. Therefore, i didn't check the boxes. I'm being deprived the "right" to law books to lookup the different cases that this 1983 "Amended Complaint" referred me to! I did the best that i could to fillout the forms properly, and to the best of my ability.

Thanks Ronald Miguel Watson 233803

Ronald Watson 233803 D-50
28779 Nick Davis Rd
Harvest AL 35749

SECURITY

AUG 04 2021

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

Clerk's Office
United States District Court
Northern District of Alabama
Hugo L Black United States Courthouse
1729 5th Avenue North
Birmingham, AL 35203